

OAK TREE LAW

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Attorneys for Defendant

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

BEVERLY MONIQUE MURRAY-
CALCOTE,

Debtor,

LARNITA PETTE,

Plaintiff,

Vs.

BEVERLY MONIQUE MURRAY-
CALCOTE,

Defendants.

Case no. 2:17-bk-11972-RK

Chapter 7

Adv. No. 2:17-ap-01488-RK

ANSWER TO COMPLAINT

Status Conference

Date: December 5, 2017

Time: 1:30 p.m.

Ctrm: 1675

The defendant herein, Beverly Monique Murray-Calcote, responds to the
complaint on file herein by admitting, denying and alleging as follows:

1 1. Responding to the un-numbered pre-amble in the complaint, lines 23, page 1,
2 through line 2, page 2, this responding defendant denies each and every allegation in said
3 un-numbered paragraph.

4 2. This responding defendant admits the allegations in paragraphs 1-3, inclusive, of
5 the complaint.

6 3. Responding to the allegations in paragraph 4 of the complaint, this responding
7 defendant admits that the San Diego Superior Court case was filed. Except for this
8 specific admission, this responding defendant denies, generally and specifically, each and
9 every other and subsequent allegation in said paragraph, and the remainder thereof.

10 4. This responding defendant denies, generally and specifically, each and every
11 allegation in paragraphs 5 (both paragraph 5s), and 6, and the whole thereof.

12 5. This responding defendant admits the allegations in paragraph 7 of the
13 complaint.

14 6. Responding to the allegations in paragraphs 8-12, inclusive, of the complaint,
15 this responding defendant alleges that the documents referred to therein, including the
16 docket, speak for themselves. This responding defendant denies generally and
17 specifically, each and every other and subsequent allegation in said paragraphs, and the
18 remainder thereof.

19 7. This responding defendant has insufficient information or belief with which to
20 either admit or deny the allegations in paragraph 13 of the complaint. Based upon this
21 lack of information and belief, this responding defendant denies, generally and
22 specifically, each and every allegation in paragraph 13 of the complaint, and the whole
23 thereof.

24 8. This responding defendant admits the allegations in paragraphs 14 and 15 of the
25 complaint.

26 9. Responding to the allegations in paragraph 16 of the complaint, this responding
27 defendant admits she did not file a "Notice of Stay". Except for this specific admission,
28

1 this responding defendant denies, generally and specifically, each and every other and
2 subsequent allegation in said paragraph, and the remainder thereof.

3 10. Responding to the allegations in paragraph 17 of the complaint, this responding
4 defendant admits she failed to disclose the compensation and inheritance she received
5 from the Trust. Except for this specific admission, this responding defendant denies each
6 and every other and subsequent allegation in said paragraph, and the remainder thereof.

7 11. This responding defendant denies, generally and specifically, each and every
8 allegation in paragraph 18, and the whole thereof.

9 12. Responding to the allegations in paragraph 19 of the complaint, this responding
10 defendant alleges that the state court complaint referred to therein speaks for itself but
11 denies the allegations set forth therein. Except for this specific admission, this responding
12 defendant denies, generally and specifically, each and every other and subsequent
13 allegation in said paragraph, and the remainder thereof.

14 13. This responding defendant denies, generally and specifically, each and every
15 allegation in paragraph 10 of the complaint, which paragraph appears between paragraphs
16 19 and 21 of the complaint, and the whole thereof.

17 14. This responding defendant admits the allegations in paragraphs 22 and 23 of
18 the complaint.

19 15. This responding defendant alleges that the minute order of the hearing referred
20 to in paragraph 24 of the complaint sets forth the court's finding therein. Except for this
21 specific admission, this responding defendant denies, generally and specifically, each and
22 every other and subsequent allegation in said paragraph, and the remainder thereof.

23 16. Responding to the allegations in paragraph 25 of the complaint, this responding
24 defendant alleges that the OCSC case allegations, although denied by this defendant,
25 speak for themselves. Except for this specific admission, this responding defendant
26 denies, generally and specifically, each and every other and subsequent allegation in said
27 paragraph, and the remainder thereof.

1 16. This responding defendant admits the allegations in paragraphs 26 and 27 of
2 the complaint

3 17. This responding defendant denies, generally and specifically, each and every
4 allegation in paragraphs 28, 29 and 30 of the complaint, and the whole thereof.

5 18. Responding to the allegations in paragraph 31 of the complaint, this responding
6 defendant incorporates herein by reference, her responses to paragraphs 1-30, inclusive.

7 19. Responding to the allegations in paragraph 32 of the complaint, this responding
8 defendant alleges that plaintiff has correctly paraphrased the bankruptcy code section
9 referred to therein. Except for this specific admission, this responding defendant denies,
10 generally and specifically, each and every other and subsequent allegation in said
11 paragraph, and the remainder thereof.

12 20. This responding defendant denies, generally and specifically, each and every
13 allegation in paragraphs 33, 34, 35, 36, 37, 38, 39, 40 and 41 of the complaint, and the
14 whole thereof.

15 21. Responding to the allegations in paragraph 42 of the complaint, this responding
16 defendant incorporates herein by this reference, as though fully set forth, paragraphs 1-
17 41, inclusive, of the complaint.

18 22. Responding to the allegations in paragraph 43 of the complaint, this responding
19 defendant alleges that plaintiff has correctly paraphrased the bankruptcy code section
20 referred to therein. Except for this specific admission, this responding defendant denies,
21 generally and specifically, each and every other and subsequent allegation in said
22 paragraph, and the remainder thereof.

23 23. This responding defendant denies, generally and specifically, each and every
24 allegation in paragraph 44 of the complaint, and the whole thereof.

25 24. This responding defendant admits the allegations in paragraph 45 of the
26 complaint.

27 25. This responding defendant denies, generally and specifically, each and every
28 allegation in paragraphs 46, 47 and 48 of the complaint, and the whole thereof.

1 26. This responding defendant alleges that any mistakes or omissions from her
2 schedules or SOFA were the result of ignorance of the requirements and the receipt of
3 poor legal advice.

4 27 This responding defendant further alleges that her husband formed several
5 business entities and placed her name on each of them. She further alleges she took no
6 part in any of the business entities and none of them are currently operating.

7 28. This responding defendant further alleges that none of the acts or omissions
8 were intentional and none were done to deceive or mislead, hinder or delay the
9 administration of her bankruptcy case.

10 WHEREFORE, this responding defendant prays for judgment as follows:

- 11 1. That plaintiff takes nothing by reason of its complaint herein, or otherwise;
12 2. For costs of suit incurred herein;
13 3. For such other and further relief as the court deems just and proper.

14
15 Dated: October 30, 2017.

OAK TREE LAW

16
17 By: 

18 LARRY FIESELMAN
19 Attorneys for Defendant
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
10900 183rd Street, Suite 270, Cerritos A 90703

A true and correct copy of the foregoing document entitled (*specify*): ANSWER TO COMPLAINT

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 10/31/2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 10/31/2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

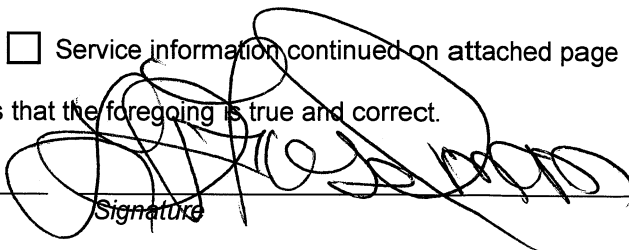
☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

10/31/2017 LARRY FIESELMAN
Date Printed Name


Signature

ATTACHMENT TO PROOF OF SERVICE OF ANSWER TO COMPLAINT

Served by the Court Via Notice of Electronic Filing

United States Trustee

Ustpreion16.la.ecf@usdoj.gov

Counsel for Office of the U.S. Trustee

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By Regular U.S. Mail

THE HON. ROBERT KWAN, JUDGE
UNITED STATES BANKRUPTCY COURT
255 East Temple Street, Room 940
Los Angeles CA 90012
Attn: Mail Room Clerk-Judges Copies

Larnita Pette
2588 El Camino Real, Suite F-195
Carlsbad CA 92008
(Plaintiff)